

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DARRELL WHITE,

Plaintiff,

vs.

**Case No.: 2:15-cv-1257
JUDGE SMITH
Magistrate Judge King**

**OHIO DEPARTMENT OF
REHABILITATION AND CORRECTION,**

Defendant.

ORDER

On April 16, 2015, the United States Magistrate Judge issued a *Report and Recommendation* recommending that this action be dismissed for lack of subject matter jurisdiction and for failure to state a claim upon which relief may be granted. (*See Report and Recommendation*, Doc. 3). The parties were advised of their right to object to the *Report and Recommendation*. This matter is now before the Court on Plaintiff's Objections to the *Report and Recommendation*. (*See* Doc. 4). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

The objections present the same issues presented to and considered by the Magistrate Judge in the *Report and Recommendation*. Plaintiff objects to the Magistrate Judge's conclusion that his Complaint lacks subject matter jurisdiction and fails to state a claim. He then proceeds to assert the same claims addressed in the Complaint and already carefully considered by the Magistrate Judge. Plaintiff further argues that "Defendant cannot claim immunity when in bad faith." (Pl.'s Objs. at 7). However, as clearly stated in the *Report and Recommendation*, "the

defendant is absolutely immune from suit in this Court by virtue of the Eleventh Amendment to the United States Constitution.” (*Report and Recommendation* at 1). Therefore, for the reasons stated in the *Report and Recommendation*, this Court finds that Plaintiff’s objections are without merit and are hereby **OVERRULED**.

The *Report and Recommendation*, Document 3, is **ADOPTED** and **AFFIRMED**. Plaintiffs’ Complaint is hereby **DISMISSED** for lack of subject matter jurisdiction and for failure to state a claim.

Plaintiff has also filed several motions since filing his objections, a motion to supplement his objections, motion to appoint counsel, motion for joinder of defendants, and motion for leave to supplement complaint. These motions are denied as **MOOT**.

The Clerk shall remove Documents 1, 2, 3, 4, 5, 6, 7, and 8 from the Court’s pending motions list. The Clerk shall terminate this case.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT